

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Pomfret Center Post Office  
(Pomfret Center, CT)

Docket No. A2011-87

COMMENTS OF THE PUBLIC REPRESENTATIVE IN RESPONSE TO THE UNITED  
STATES POSTAL SERVICE NOTICE WITHDRAWING FINAL DETERMINATION

(November 21, 2011)

I. INTRODUCTION AND BACKGROUND

On September 23, 2011, the Commission docketed the petition for review of the closing of the Pomfret Center Post Office.<sup>1</sup> On September 28, 2011, the Commission issued an order instituting the current review proceedings, appointing a Public Representative, and establishing a procedural schedule.<sup>2</sup> On October 11, 2011, the Postal Service filed an electronic version of the administrative record concerning its Final Determination, Postal Service Docket Number 1377978 - 06259.<sup>3</sup> The final determination indicated that upon closure of the Pomfret Center post office, delivery and retail services for the current customers will be provided by the Pomfret post office.<sup>4</sup> On October 26, 2011, Petitioner Tima Smith filed a Participant Statement in which she set

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<sup>1</sup> Letter filed by Ms. Tima Smith of Pomfret, CT, September 23, 2011. (Petition)

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, September 28, 2011. (Order No. 879).

<sup>3</sup> United States Postal Service Notice of Filing, October 11, 2011. (AR)

<sup>4</sup> The Pomfret Center post office is located 1.8 miles from the Pomfret post office. AR Item No. 1 at 1.

forth her objections to the closure of the Pomfret Center Post Office.<sup>5</sup> On November 18, 2011, the Postal Service filed a notice withdrawing its final determination to close the Pomfret Center post office and requested that the instant proceeding be dismissed.<sup>6</sup>

## II. COMMENTS

Since the Postal Service withdrew its Final Determination to close the Pomfret Center post office, the appeal should be dismissed. However, the Public Representative believes the Postal Service should explain its reasoning for withdrawing its final determination. It would be in the best interest of all parties and future appeal cases to know the factors the Postal Service considered that led to the withdrawal of its final determination.

The Public Representative's review of the Petition, Participant Statement, and Administrative Record suggested that closing the Pomfret Center location over the Pomfret location appeared to be arbitrary and capricious. In its Petition, the petitioner explained that she understands the notion that the Pomfret community needs only one post office; however, she did not understand why the Postal Service decided to close the Pomfret Center location over the Pomfret location. Petition at 1. The petitioner asserted that the proposed replacement post office is older, smaller, less adequate, and does not have sufficient or safe parking. *Id.* In addition, the petitioner noted that the proposed replacement post office could not accommodate both locations' post office box customers. *Id.* at 2.

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<sup>5</sup> Participant Statement of Tima Smith, October 26, 2011. (Participant Statement)

<sup>6</sup> United States Postal Service Notice Withdrawing Final Determination, November 18, 2011 (Postal Service Notice).

For the reasons set forth above, the Postal Service's request that the appeal be dismissed should be granted; however for the benefit of all parties the Commission should require the Postal Service to explain the factors that led to withdrawing its final determination to close the Pomfret Center post office.

Respectfully Submitted,

/s/ Derrick Dennis

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